

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

Case No. 21 CR 05 (BHL)

v.

JOHN D. WHELAN and  
TINA MONTEZON,

Defendants.

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**REQUEST FOR STATUS CONFERENCE**

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The United States of America, by United States Attorney Richard G. Frohling and Assistant United States Attorneys Julie Stewart and Kevin Knight, requests a counsel-only telephonic status conference to discuss the issues below:

1. The pending indictment charges the defendants with conspiracy to distribute controlled substances, unlawful distribution of controlled substances, maintaining a drug-involved premises, and making false statements to federal agents in violation of Title 21, United States Code, Sections 846, 841(a)(1), 841(b)(1)(C), 856(a)(1), and Title 18, United States Code, Section 1001.

2. At trial, the jury will be asked to determine whether the defendants distributed controlled substances for a legitimate medical purpose and in a manner consistent with established medical practice. The government accordingly retained an expert witness to review certain portions of the evidence and opine on these issues. A report commemorating that

expert's opinion was produced to defense counsel months ago, along with the required correlating materials.

3. This initial expert witness for the government was diagnosed with an extremely serious medical condition. At this time, the government is unsure whether its initial expert witness will be able to testify at trial, given this diagnosis, and the undersigned accordingly retained another expert witness to consider these issues.

4. The government's second expert witness has completed his work, and the appropriate disclosures have been made to defense counsel.

5. Defense counsel has not yet disclosed any material regarding any potential expert witness for the defense.

6. Trial is currently set for July 18, 2022.

7. By the government's lights, (i) the current trial date should stand; and (ii) a status conference between the parties and the Court, addressing disclosure deadlines for expert witness materials and other pretrial issues, will facilitate the same.

8. The government contacted counsel for both defendants about the instant request on April 8, 2022. That same day counsel for Defendant Montezon indicated no opposition to the same. Around that same time, counsel for Defendant Whelan requested that the government forego its request for one week, which has since elapsed.

Respectfully submitted this 15th day of April, 2022 at Milwaukee, Wisconsin.

RICHARD G. FROHLING  
United States Attorney

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